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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

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14 STEVEN WAYNE SUTTON,

15 Plaintiff,

16 v.

17 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

18 Defendant.
19
20

No. 1:21-cv-01097-SKO

STIPULATION AND ORDER FOR EXTENSION
OF TIME TO FILE DEFENDANT'S RESPONSE
TO PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT

(Doc. 18)

21 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
22 Security (the "Commissioner"), shall have a 45-day extension of time to respond to Plaintiff's
23 Motion for Summary Judgment ("Motion") (Docket Number 14), extending the date on which
24 Defendant's response is due from June 11, 2022, to July 26, 2022.

25 Defendant needs more time to respond to Plaintiff's Motion because the undersigned
26 attorney currently has seven district court briefs due during the next three weeks, including
27 Defendant's Opposition to Plaintiff's Motion in this case. In addition, one week prior to
28

1 Defendant's current deadline, the childcare provider for the undersigned attorney's son tested
2 positive for COVID, and consequently, the undersigned attorney unexpectedly needed to take
3 time off work.

4 Due to the overall volume of work within the Commissioner's Region IX Office of
5 General Counsel, neither the undersigned attorney nor another attorney in the Region IX Office
6 anticipate being able to review and respond to Plaintiff's Motion by the current due date. Current
7 staffing limitations caused by planned and unplanned leave of multiple attorneys make immediate
8 reassignment impractical. Accordingly, the Commissioner respectfully requests an extension of
9 45 days, until July 26, 2022, to respond to Plaintiff's Motion.

10 This request is made in good faith and is not intended to delay the proceedings in this
11 matter.

12 Respectfully submitted,

13 DATE: June 9, 2022

14 /s/ Jonathan Pena
JONATHAN PENA
Attorney for Plaintiff
15 (as approved via email)

16 PHILLIP A. TALBERT
17 United States Attorney

18 DATE: June 9, 2022

19 By /s/ Elizabeth Landgraf
ELIZABETH LANDGRAF
Special Assistant United States Attorney
20 Attorneys for Defendant

ORDER

Based upon the foregoing stipulation of the parties (Doc. 18), and for good cause shown (Fed. R. Civ. P. 16(b)(4)),

IT IS HEREBY ORDERED that Defendant shall have an extension of time, to and including July 26, 2022, in which to file her response to Plaintiff's Motion for Summary Judgment. All other deadlines set forth in the Scheduling Order (Doc. 11) shall be extended accordingly.

IT IS SO ORDERED.

Dated: **June 10, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE